

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION)

MDL No. 2419
Dkt. No 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:)

Suits Naming the Tennessee Clinic)
Defendants and the Saint Thomas Entities)

**SAINT THOMAS ENTITIES' RESPONSE TO PSC'S MOTION
TO SCHEDULE ORAL ARGUMENT ON CERTAIN MOTIONS**

The Saint Thomas Entities¹ oppose holding oral argument on the PSC's motion to compel the Saint Thomas Entities' self-insurance trust documents (the "Motion to Compel," item #4 on the PSC's Motion to Schedule Oral Argument on Certain Motions) during this week's status conference (October 23, 2014). The Motion to Compel is not simply a motion to compel the production of a standard insurance agreement. Instead, it raises complex issues concerning the production of self-insurance trust documents, which numerous courts have found not to be discoverable in similar circumstances. Thus, the Saint Thomas Entities request that the Court schedule oral argument at a time separate from the monthly status conference, as has been done for various motions in the past.² This will ensure that the parties and the Court have adequate time to address the complex and important issues raised by the Motion to Compel.

¹ Saint Thomas West Hospital f/k/a St. Thomas Hospital; Saint Thomas Health; and Saint Thomas Network.

² The Saint Thomas Entities explained their position to the PSC at length before the PSC filed its Motion to Schedule Oral Argument, which lacked a certificate of conference noting the opposition.

WHEREFORE, the Saint Thomas Entities respectfully request that the Court deny in part the PSC's Motion to Schedule Oral Argument and instead schedule a separate hearing at the Court's convenience.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing this 20th day of October, 2014.

/s/ Sarah Kelly

Sarah P. Kelly

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